Application Number	Application/Co	Re	oplicant(s)/Patent eexamination AS ET AL.	under				
Document Code - DISQ	DISQ Internal Document – DO NOT MAIL							
TERMINAL DISCLAIMER	☑ APPROVED		☐ DISAPPROVED					
Date Filed : August 23, 2005	to a Te	t is subject erminal aimer						
Approved/Disapproved by:								
Henry D. Jefferson								

U.S. Patent and Trademark Office

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			22-Feb-06	APPL. S. N:	09725438			
To Exami	iner:		MOORE, Ian	Art Unit	2661			
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68			
SUBJECT	r: Decisio	n on Te	erminal Disclaimer(T.D.) filed:					
form para or have a	agraphs i Iny quest	dentifie ions, pl	d by this informal memo in your rease see me or the Special Progra	the results as set forth below. If you next Office action to notify applicant am Examiner. THIS IS AN INFORMAL D OF RECORD IN THE APPLICATION	of the T.D. If you disagree INTERNAL MEMO ONLY.			
	itial, date	and re	turn this memo to me. THANK YO	oU.				
<u> </u>	The T.D.	is PRO	PER and has been recorded (see 1	14.23).				
	The T.D.	is NOT	PROPER and has not been accept	ted for the reason(s) checked below	(see 14.24):			
			has not been sul a deposit account	pmitted nor is there any authorizatio	on in the application file for the			
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termina portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).						
		The person who signed the T.D.:						
			is not an attorney "of record" (see 14.29 and 14.29.01).				
			has failed to state his/her capa	city to sign for the business entity (see 14.28).			
			is not recognized as an officer	of the assignee (see 14.29 & possibl	e 14.29.02).			
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).						
		The T.	D. is not signed (see 14.26 & 14.2	26.03).				
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						
		The pe	riod disclaimed is incorrect or not	specified (see 14.26, 14.27.02 or 14	4.26.03).			
		Other:			<u> </u>			
		Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.						
have ap	propriate	ly notifi	ed applicant(s) of the status of th	e Terminal Disclaimer filed in this ca	ose.			
x.Initials	;; <u></u>		Date:		Log Date:			

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OBVIATE A DOUBLE PATENTING

R A "PRIOD" BATTON Under the Paperwork

TERMINAL DISCLAMORY O OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	29633.047800				
In re Application of: DAS, et al.					
Application No.: 09/725,438					
Filed: November 29, 2000					
FOI: RATE ADAPTATION IN WIRELESS COMMUNICATION SYSTEM	·				
The owner*, Lucent Technologies, inc. of 100 percent interest in the Instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,721,834 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.					
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the Instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for fallure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.					
Check either box 1 or 2 below, if appropriate.					
For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.					
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
2. The undersigned is an attorney or agent of record. Reg. No. 38,979					
Dande R. Narcish	8/18/05 Date				
Clouds D. Massico					
Claude R. Narcisse Typed or printed name					
(212) 801-3190					
	Telephone Number				
Terminal disclaimer fee under 37 CFR 1.20(d) Included.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner Form PTO/S8/96 may be used for making this certification. See MPEP § 324.).				

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Office, U.S. Paternation Office, U.S. Paternation Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.